

Approved: December 11, 2014

Minutes
Town of Kent Planning Board Meeting
November 13, 2014

Following the Pledge of Allegiance, the meeting was called to order at 7:30 PM by Mr. Michael McDermott, Chairman of the Town of Kent Planning Board.

In attendance were the following Planning Board members:

Michael McDermott, Chairman	Arthur Singer (Alternate)
Janis Bolbrock, Vice Chairman	Charles Sisto
George Brunner	Philip Tolmach
Dennis Lowes	

Others in Attendance:

Bruce Barber, Environmental Consultant	Julie Mangarillo, Engineering Consultant
Bill Walters, Town of Kent Building Inspector	Neil Wilson, Planner

Absent:

Anthony Mastrangelo (Alternate)	Glenna Wright
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• **Approve Planning Board Minutes from October 9, 2014**

Mr. McDermott asked for a motion to approve the Planning Board minutes from October 9, 2014. The motion to approve the minutes was made by Mr. Tolmach and seconded by Ms. Bolbrock. The roll call vote was as follows:

Mike McDermott	<u>Aye</u>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Anthony Mastrangelo (Alternate)	<u>Absent</u>
Arthur Singer (Alternate)	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Absent</u>

The motion carried.

• **Wellington Property, Towners Road, Carmel, NY; TM: 33.73 – 1-38 & 39**

The applicants, Jim and Pat Turco, submitted a request for approval of an amended site plan. Ms. Jamie Kieper, of Insite Engineering, represented the applicants. The property is located on the corner of Towners Road and Hill and Dale Road in an R-10 and Towners Road overlay district. There is an existing building on site consisting of retail apartments, office space and storage. Mr. Walters, the Kent Building Inspector, has been to the site and inspected the interior and it is believed that the building meets the code standards, but the existing asphalt is in need of repair. The applicants propose to open an ice cream parlor in the existing building and plan on resurfacing the asphalt and delineating parking spaces. They will remove some of the asphalt incorporating the lawn for an outdoor picnic area and will put up a post and rail fence. Ms. Kieper presented the signs, which will also meet the Kent Town Code requirements. This property was granted site plan approval in April 1993 under the Capricorn Wholesale Food Distribution project along with several other variances. She said she received comments from the Planning Board consultants, which would be addressed prior to the next Planning Board meeting. Ms. Kieper asked that the Planning Board waive the requirement for a Public Hearing, at the recommendation of the Kent Planning Board consultants.

Mr. Barber's Comments (memo attached)

Mr. Barber said that he inspected the site to determine if there is a jurisdictional watercourse at the rear of the property and he said that it does not have adequate hydrology to meet the requirements of a jurisdictional watercourse. There is a small watercourse on the property running parallel to the paper road that does meet that definition and requirement, which is more than 100 feet away from the limits of disturbance, so no permit is required. He suggested that this information be shown on the plans.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that, based on discussion and information provided, an erosion control permit is not necessary. The information lists two parcels and she asked that the property line be shown on the plans. The applicant will need approvals from:

- The Town of Kent Highway Department for work done in the Town of Kent right-of-way;
- Department of Public Works for changes to the driveway entrance; and
- The Putnam County Health Department for the change in the restaurant

Mr. Wilson's Comments (memo attached)

Mr. Wilson said this is a Type II action under SEQRA. Because the property borders a county road (Towners Road) Putnam County Planning also needed to review the plans, but they had not replied as of the date of the meeting and they have to reply within 30 days. The Planning Board may not act on this project at the meeting. Mr. Wilson said he wanted to see signature blocks on the plans, and that an outdoor seating area be shown. He suggested that Ms. Kieper meet with Mr. Walters regarding the signs to ensure they meet the Town code requirements. He recommended that a public hearing be waived. Mr. Tolmach asked if there would be any problems resulting from the work proposed to be done on the asphalt. Ms. Mangarillo said as long as they are resurfacing there will not be any impact on drainage or run-off. Mr. Wilson recommended adjourning this matter until the December meeting. Mr. Lowes asked to have a note on the plans showing the location of the signs. The signs will be in the proposed lawn area and will not impact traffic or visibility. It must be 10 feet off the edge of the right-of-way. Ms. Kieper said that the previous variance allowed it to be 4 feet away and she hoped to do so again. Ms. Kieper asked if the Planning Board could waive the public hearing at the November meeting and Mr. Wilson said he would recommend that the Planning Board make the decision as to whether or not one was needed.

The motion to waive the public hearing was made by Mr. Brunner and seconded by Mr. Tolmach. The roll call vote was as follows:

Mike McDermott	<u>Aye</u>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Anthony Mastrangelo (Alternate)	<u>Absent</u>
Arthur Singer (Alternate)	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Absent</u>

The motion carried.

Mr. Singer asked about the Board of Health approval on this project. Ms. Kieper said that they had not applied yet, but they were aware that they needed their approval.

• **Morini Property, China Circle Court, Kent, NY; TM: 42.18-1-2**

Mr. McDermott pointed out that this was erosion control which was before the Planning Board for approximately a year. Ms. Kieper represented the applicant and said that, since the public hearing had been held previously and there had been no objections or responses to the project, it was decided that a letter from the Sedgewick Club was not necessary and she requested that the project be approved. She noted that a draft Resolution had been circulated by Mr. Wilson and asked that it be acted upon.

Mr. Singer asked Mr. Wilson to respond to his memo (attached). Mr. Wilson said he had received the memo late and had not had a chance to review them. Mr. Singer had the following comments:

- The existing driveway, which is constructed of boulders of unknown depth, and wondered if the applicants had verified whether or not the entrance would hold the weight of a drilling rig or other heavy equipment.
- The suggestion was made that, since the Sedgewick had not responded to the communications sent to them pertaining to this project, copies of the correspondence sent to them be placed in the file for future reference.
- The deed from January 2005 refers to parcels 1 and 2 but there is only one parcel shown on the plans and Mr. Singer asked for a clarification. Ms. Kieper said she didn't know the answer. Mr. Wilson said that he thought there may have been two parcels, but only one was part of the application. Mr. Singer said the assessor's office shows only one parcel. Mr. McDermott asked if there was only parcel which pertained to the request for approval of the erosion control plan and Mr. Wilson said yes. So it was decided that the second parcel was irrelevant at this time. Mr. Singer said that the applicant's engineer and Ms. Mangarillo acknowledged previously that modifications may be changed as the project progresses and that he assumed a cash bond would be necessary and when it would be expected. Mr. Wilson said a bond was expected and Ms. Mangarillo concurred and said the bond is over \$5,000.00 and approved February 20, 2014. It must be paid and agreements still need to be signed and then forwarded to the Town Board for their approval. There were questions again about the stone chambers and if they would be covered by the bond. Ms. Mangarillo and Mr. Wilson said that the stone chambers were off the property, however there will be an earthen berm along the driveway to protect the roof of the stone chambers. Mr. Singer asked Ms. Mangarillo if she believed the driveway will hold the weight of the construction vehicles. She said that through the years she had been told by Mr. Watson and others that there had been heavy equipment on the driveway and that she believed it would be adequate again.

Mr. McDermott asked Mr. Wilson if he wished to discuss the draft Resolution and he said that he received comments that afternoon and that he had made a couple of changes to the Resolution on the first page regarding the fact that the homeowners association had not responded to communications sent to them. On October 27, 2014 there had been a letter sent from their attorney, which he had gone over and that it was part of the record. On Page 3 he had made changes pertaining to the bond.

Mr. McDermott asked for a motion to adopt the Resolution for approval of the erosion control and steep slope plan was made by Mr. Tolmach and seconded by Mr. Sisto. The roll call vote was as follows:

Mike McDermott	<u>Aye</u>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Anthony Mastrangelo (Alternate)	<u>Absent</u>
Arthur Singer (Alternate)	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Absent</u>

The motion carried.

Ms. Mangarillo said that her last memo, dated March 12, 2014, pertained to 11.A. of Mr. Wilson's Resolution which stated that improvements to the roadway would be permitted by the homeowners was no longer applicable. The signed MS4 was not required either.

- **Unger Property, 89 Ressique St., Kent, NY; TM: 22.11-1-29**

Mr. Michael Unger, the son of the property owner, was present and requesting the approval of an erosion control plan. Mr. Unger said that the applicants had filled in some of the property and had put in some trees for privacy.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said that this application fell under the threshold of filling because there was more than 100 yard of fill brought in. There was concern that the area was in a wetland buffer and Mr. Barber had confirmed that it was not and no wetland permit was necessary. Ms. Mangarillo said that she felt that enough information had been submitted and she recommended waiving the additional information requirement of Chapter 66-6-b.2. She said that in her memo she advised the applicant to keep the silt fence in place until the grass grew in. She said she had included a bond estimate in her memo of \$1,802.40 along with \$1,000.00 initial inspection fee, which she recommended be forwarded to the Town Board for their approval. She recommended waiving the public hearing since this was a minor project for a single family house and that the remaining project be handled administratively. Mr. Tolmach asked Mr. Barber if any animal habitats would be affected. Mr. Barber said that he did not believe any would be affected because the pond had become a marsh and that the area where the work was conducted did not go into the wetlands and asked the applicant to ensure that the additional work does not encroach on them. Mr. Unger said he would do so.

Mr. McDermott asked for motions to recommend that:

- The bond amount of \$1,802.40 be forwarded to the Town Board for approval;
- Waiving the public hearing since this was a minor project for a single family residence;
- This project be referred to the Planning Board consultants to be handled administratively; and
- Waiving the additional information requirements

The motions were made by Mr. Brunner and seconded by Ms. Bolbrock. The roll call vote was as follows:

Mike McDermott	<u>Aye</u>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Anthony Mastrangelo (Alternate)	<u>Absent</u>
Arthur Singer (Alternate)	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Absent</u>

The motion carried.

• **Mooney Hill Road LLC, 225 Mooney Hill Road, Kent, NY; TM: 12.-3-11**

Ms. Jamie Kieper, of Insite Engineering, said the project is complete and that the property has been stabilized. Therefore, the applicants were requesting that their erosion control bond released.

Ms. Mangarillo's Comments (memo attached)

Ms. Mangarillo said she had visited the property and concurred that the property was stabilized. She recommended waiving the two year waiting period to return the bond.

Mr. McDermott asked for a motion to recommend to the Town Board that the bond in the amount of \$2,446.00 be released. The motion was made by Mr. Tolmach and seconded by Mr. Lowes. The roll call vote was as follows:

Mike McDermott	<u>Aye</u>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Anthony Mastrangelo (Alternate)	<u>Absent</u>
Arthur Singer (Alternate)	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Absent</u>

The motion carried.

Permit Applications Review (Applicants attendance not required/Workshop Discussion):

- China Barrett 810 Golf Ridge Road, Kent, NY TM: 42.17-1-8	Property Stabilization Inspection Release Erosion Control Bond	Status Report
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Ms. Mangarillo reminded the Planning Board that this was a stormwater retrofit project where a stormwater management basin installed in Sedgewick Club to improve water quality and to prevent run-off from flowing onto adjacent parcels. The NOT was signed November 12, 2014 and the applicant requested that the bond be released. There was a small erosion control of \$3,659.80 and a larger stormwater facility bond for \$97,540.00. The property was inspected last year and found to be stabilized. However, the Club wanted to change some catch basins and two swales needed to be paved so the permits were kept open until the work was completed. The work is now complete and she recommended releasing the erosion control of \$3,659.80 and some of the larger bond because the property has been stabilized for close two years.

Mr. McDermott noted that this had been discussed at the Planning Board workshop and asked Ms. Mangarillo what portion of the stormwater facility bond should be returned. Ms. Mangarillo said that she was confident that there were no concerns about the stability of the project and thought 50% (\$48,770.00) of the stormwater bond (total of \$97,540.00) should be released. Ms. Kieper said that the applicant was hoping that the entire bond would be returned because the property was being closely monitored and had been functioning well for over a year. Mr. McDermott said that the Planning Board and the consultants felt that the rest of the bond should be returned in August 2015 and that only 50% should be returned at the present time.

Mr. McDermott asked for a motion to recommend to the Town Board that the Erosion Control Performance bond be returned to the applicant in full and that 50% of the Stormwater Facility Performance bond be returned now and the remainder be returned in August of 2015 if the Planning Board agrees. The motion was made by Mr. Singer and seconded by Mr. Tolmach. The roll call vote was as follows:

Mike McDermott	<u>Aye</u>
Janis Bolbrock	<u>Aye</u>
George Brunner	<u>Aye</u>
Dennis Lowes	<u>Aye</u>
Anthony Mastrangelo (Alternate)	<u>Absent</u>
Arthur Singer (Alternate)	<u>Aye</u>
Charles Sisto	<u>Aye</u>
Philip Tolmach	<u>Aye</u>
Glenna Wright	<u>Absent</u>

The motion carried.

- Chris Automotive Route 52, Kent, NY TM: 33.14-1-10	Site Plan Switching Buildings	Status Report
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Ms. Mangarillo had distributed a memo regarding this project (attached). She advised the Planning Board that she, Mr. Walters and Mr. Barber had done a site inspection because the owner of the property felt that the construction was complete and they wanted to close out all of their permits. As-built plans were provided by the applicant, which did not match plans submitted to the Planning Board and previously approved. Some of the concerns were the intrusion onto adjacent properties, the fence did not follow the property line. The applicant plans on submitting amended site plans for the December meeting.

Mr. Barber addressed the wetland issues and said that there is a concrete base which intrudes onto a swale area and that there are drainage issues which needs to be cleaned up. Pipes are not all shown on the plans and stormwater changes were made. The applicant needs to confirm what discharges are going through the pipes. Mr. Barber also sent a memo to the Planning Board. Wetland mitigation needs to be replanted. The parking also encroaches onto the wetland buffer. The applicant cleared a wetland area adjacent to Route 52 for parking. Mr. Singer asked if the applicant would be hooking up to the sewer system and if, when the existing system was removed, it could be used to redirect some of the drainage. Mr. Barber said he thought there may be some health code issues involved which would have to be checked. He also had some concerns about the parking, fences and other matters not pertaining to the environmental issues.

Mr. McDermott asked Mr. Walters to discuss a meeting he had with Mr. Rini and the Town of Kent Supervisor regarding his project. Mr. Walters said the Supervisor was very supportive to both the Planning Board as well as the applicant and encouraged him to work with the Planning Board to resolve any concerns. Mr. Walters said he had advised the applicant and the supervisor that Mr. Barber and the Planning Board consultants were looking at the issues which needed to be addressed to determine what the priorities were.

Mr. Singer asked about the policy regarding selling used cars in the Town of Kent. Mr. Walters said he'd have to check to see if the applicant was allowed to sell used cars on his property. Ms. Mangarillo stated that the prohibition on selling cars was part of the approved site plan resolution from March 2012 on this project. Therefore, unless the request was part of the amended site plan approval it would not be allowed. Mr. Lowes asked who had jurisdiction over the encroachment onto other properties. Ms. Mangarillo said the applicant had an agreement from the owner in the rear. He hopes to get approval from the next door neighbor to use his property as well.

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| - Precision Armory
Route 52, Carmel, NY
TM: 33.14-1-10 | Site Plan Approval | Status Report |
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Ms. Mangarillo confirmed with Mr. Walters that the signs and lighting issues had been addressed. Mr. Walters said that he had discussed these matters with the owner of the property and the issues had been resolved the next day. Mr. Singer said the temporary garage in the back of the property was still there and Mr. Walters said he'd check on it again.

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| - Biben Property
146 S. Knapp Court, Kent, NY
TM: 10.-1-1 | Erosion Control Plan/Wetland Permit
Addition to an Existing Residence | Status Report |
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Ms. Mangarillo advised the Planning Board that the applicant had done work previously, which was completed and needed final inspection, which has also been done. She is waiting for the NOT (Notice of Termination) to close out this project. The property owners now want to add a small addition to their house, which extends within 100 feet of a watercourse necessitating the need for a wetland and erosion control permit. The applicant plans on submitting plans for the December meeting.

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| - Boccia Property
Beach Court, Kent, NY
TM: 21.-1-16 | Erosion Control | Status Report |
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Ms. Mangarillo said that there is nothing new on this project.

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| - Putnam Concrete
301 Route 52, Kent, NY
TM: 44.6-1-7 | Site Plan/Erosion Control Plan
Code Violations | Discussion/Workshop |
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Ms. Mangarillo said that she wasn't aware of anything new pertaining to this project.

- Updated forms

Discussion

Status Report

Mr. Wilson said he is still working on updating the forms.

Mr. McDermott asked for a motion to adjourn at 9:00 PM. The motion to adjourn was made by Ms. Bolbrock and seconded by Mr. Tolmach. The motion carried.

Respectfully Submitted,



Vera Patterson
Planning Board Secretary

cc: Planning Board Members
Building Inspector
Town Clerk